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SOME PARAGRAPHS

In the FOURTH VOLUME of

Dr. BLACKSTONE's Commentaries
on the Laws of England,

RELATING TO

THE DISSENTERS.

By JOSEPH PRIESTLEY, LL.D. F.R.S.

—— *Quis tam ferreus, ut teneat se,
Causidici nova cum veniat leſſica Mathonis.*

JUVENAL.

L O N D O N :

Printed for J. JOHNSON and J. PAYNE, at
N^o 8, Pater-noster-Row. M.DCC.LXIX.

Price One Shilling.

R. F. M. A. R. K. 2.

SOME EARLY PAPERS

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R E M A R K S

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Some Passages in the Fourth Volume of
Dr. BLACKSTONE'S Commentaries
on the Laws of England,
Relating to the DISSENTERS.

AT the time that I was engaged in writing on the subject of *church-authority*, in answer to Dr. Balguy, I was informed that a paragraph or two in the last volume of Dr. Blackstone's Commentaries, which was just then published, deserved the notice of Dissenters. Accordingly I procured the book, and found the passages referred to contained the most injurious reflections on that part of the community to which I belong; but as they are altogether destitute of candour, so they are unsupported by truth, or even a decent ap-
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pearance of argument. I own that I have been the more ready to animadvert upon this writer, lest (as he is supposed to possess the confidence of the present ministry) his sentiments should be considered as a notification to Dissenters, in what light they are regarded by those who are in power; and it should be imagined, that some design is formed to establish a system of civil and ecclesiastical tyranny; but when my readers see how groundless are all his insinuations to our prejudice, and how exceeding futile are the arguments he produces in favour of the obsolete statutes against the Dissenters, I am persuaded they will ask for no other proof, of there being no intention, in any set of men, who are in their senses, to revive and enforce them.

The manner in which Dr. Blackstone has treated the Dissenters, is such as I should not have expected from a person of a liberal education, who has gained a considerable share of reputation as a writer, and who
being

being so perfectly skilled in the *laws* of his country, should have been better acquainted with the *inhabitants* of it. Having done justice to the former, in his truly admirable Commentaries, he should not have traduced the latter, and have insulted his fellow citizens, who respect his abilities, and never gave him any provocation.

Besides, this writer's good sense should have informed him, that, in the present situation of public affairs, it is peculiarly unseasonable to irritate and disunite the subjects of this realm. It is now particularly requisite, that every thing should be said and done, that may tend to make all the different classes and denominations of people think well of one another; that, laying aside all illiberal and party prejudices, we may unite together for the public good. But I am sorry that I cannot help considering Dr. Blackstone as a man who, finding a house already in flames, either wantonly or wickedly, throws another faggot into it.

SECTION I.

IN vindication of the statutes of Edward VI. and Queen Elizabeth (statutes which nothing can even account for, but the grossest ignorance of the nature and purposes of the christian institution, of the natural rights of mankind, and of the proper object of civil society and government; together with the most pitiable bigotry, and the most violent party rage) statutes, which enact, that *if any person whatsoever shall speak any thing in derogation, depraving or despising of the book of common-prayer, he shall forfeit, for the third offence, all his good and chattels, and suffer imprisonment for life;* he says, p. 50. “ These penalties were
 “ framed in the infancy of our present establishment, when the disciples of Rome and
 “ Geneva united in inveighing, with the
 “ utmost bitterness, against the English
 “ liturgy; and the terror of these laws
 “ proved

“ proved a principal means, under provi-
 “ dence, of preserving the purity, as well as
 “ decency of our national worship. Nor
 “ can their continuance to this time be
 “ deemed too severe and intolerant, when
 “ we consider, that they are levelled at an
 “ offence, to which men cannot, now, be
 “ prompted by any laudable motive, not
 “ even by a mistaken zeal for reformation;
 “ since, from political reasons, sufficiently
 “ hinted at in a former volume (see vol.
 “ i. p. 98.) it would now be extremely
 “ unadvisable to make any alterations in
 “ the service of the church; unless it
 “ could be shewn that some manifest im-
 “ piety, or shocking absurdity would fol-
 “ low from continuing it in its present
 “ form. And therefore the virulent de-
 “ clamations of peevish or opinionated
 “ men, on topicks so often refuted, and of
 “ which the preface to the liturgy is, itself,
 “ a perpetual refutation, can be calculated
 “ for no other purpose, than merely to
 “ disturb

6 REMARKS ON

“ disturb the consciences, and poison the
“ minds of the people.”

I almost suspect that this passage is borrowed from some old Thirtieth of January sermon. It would, certainly, suit such a place far better than a grave dispassionate treatise on the laws of England. There is one circumstance, however, that looks more like the *lawyer* than the *divine*. A mere divine would hardly have been so far off his guard, as to give so plain a hint of the weakness of the *reasons* and *arguments* in support of the church of England, as Dr. Blackstone has, unawares, done, in saying, that it has been *the terror of penal laws* that has proved the *principal means* of preserving the purity, as well as decency of the national worship.

Admitting, what is far from being true, that, for political reasons, it were extremely unadvisable to make any alteration in the service of the church; and admitting,
also,

also, what is as far from the truth, that there is no manifest impiety, or shocking absurdity in the present forms of the church of England; why may I not speak in *derogation* of the book of common-prayer, or even in *contempt* of it, if I really think it a *defective*, and *contemptible* performance? Where is the great crime if, insulted as the Dissenters have always been, with the malice, and nonsense of high churchmen, they should, now and then, speak, or even write in their own vindication; if it were only to convince those who have been deluded by the lies and the sophistry of their adversaries, that Dissenters are men like themselves, with hands, heads, and understandings like other men; and that they have no tails, or cloven feet; a notion which some well-meaning people have been almost made to believe? And how is it possible to vindicate our conduct as Dissenters, that is, our not using the common-prayer book, without speaking in *derogation* of it. If the motive be not
laudable,

laudable, it is surely *innocent*, and *pardonable*, which is quite sufficient for our vindication.

Semper ego auditor tantum, nunquamne reponam, Vexatus toties ———.

JUVENAL.

Without troubling ourselves about the established church (though it be our indispensable duty to endeavour to enlighten the minds of all men, as far as we have opportunity) we must, now and then, be allowed to write something in order to confirm the wavering of our own persuasion, especially considering that all the influence of this world bears against us; so that, with every advantage of argument, our interest rather loses ground; and what can we say, that is better adapted to persuade Dissenters to continue in their present situation, than to shew them how much worse they would be by the change? It is not denied, that the laws permit us to *write*.

Is

Is it not hard, then, not to be allowed to write in our best manner, and make use of our best arguments? To me this appears to be a duty of indispensable obligation, on a person who has the cause of religion at heart, and is desirous of preserving it free from the corruptions that have been elsewhere introduced into it; and yet for this discharge of my duty, I must forfeit all my goods and chattels, and even be imprisoned for life, and this cool lawyer will stand by, and deem the sentence *not too severe* and *intolerant*; because, according to his casuistry, forsooth, it is impossible my motive should be a *laudable* one. But will this author seriously maintain, that confiscation of goods and imprisonment for life, is not too severe a punishment for all actions, the motives of which are merely *not laudable*? Doth this writer himself do nothing but what is, strictly speaking, meritorious and worthy of praise? Doth he never wash his hands, change his clothes, or pare his nails?

Con-

Conscientious, however, as I think myself in what I do, and satisfied as I am, that my motives in writing in defence of the dissenting interest, if not *laudable*, are *just* and *reasonable*, this author insists upon it, that such writings as mine can be calculated for no other purpose, than merely *to disturb the consciences, and poison the minds of the people*. If this be not *the virulent declamation of a peevish and opinionated man*, I do not know what is. It does not seem to be in the power of words to give a clearer indication of it. That any man should ever *mean* nothing (and if this be not the sense of the word *calculated*, it has no meaning at all, that is in the least degree to his purpose in this place) but to disturb the consciences, and poison the minds of his fellow-creatures, I trust I shall always think so well of my species, and of its author, as to deem impossible. I even question whether the most depraved of all beings be capable of doing evil *for its own sake*. The paragraph I am animadverting

adverting upon, is calculated to do as much mischief as most things I have ever read, tending to inflame the animosity of a party, and to increase our unhappy divisions; but I charitably think this author *meant* something else,* though his passions have sadly bewildered his judgment.

As this writer has no objection to making *alterations* in the new editions of his works, I will beg leave to suggest an emendation of this strange paragraph; and propose that, instead of the *virulent declamations of peevish and opinionated men*, he would write *the calm reasonings of sober and conscientious men* (and I hope he is not so much a churchman, as not to allow, that some Dissenters, though perhaps not myself, may be conscientious and calm in discussing matters of religion) and then it will be no difficult step to advance in his argument, if he suppose, that calm and conscientious men may have *a true zeal* for reforming what appears to them, a corrupt religion;
and

and the next, and final step in this argument is still more easy, namely, that a conscientious man, influenced by true zeal, is justified before God and his own conscience (which is all that he is solicitous about) if he do *derogate* from what he thinks to be a corrupt mode of religion, in order to bring about a reformation of it, notwithstanding every *political* reason that may be alledged to the contrary. Those who have the cause of religion at heart, and are chiefly influenced by a regard to a *future world*, are not very apt to enter into political reasons, and considerations by which they may please men.

Let us see, however, if it be only to satisfy our curiosity, what are those deep *political reasons*, that render it so extremely unadvisable to make any alteration in the church of England, or its liturgy; and for this purpose let us follow our author's reference to vol. 1. p. 98. of this elaborate
work,

work, in which we are informed that we shall find them *sufficiently intimated*.

Here let my reader stop, and cover with his hand what immediately follows, and if I were to adopt the style of my country, I might lay him a very unequal wager, that he would not, in many times, guess what this great reason is. I say *reason*, in the singular number, for, in the place referred to, I find only *one* mentioned, though I was led to expect *more*. It here follows:

“ An alteration in the constitution or
 “ liturgy of the church of England would
 “ be an infringement of the fundamental
 “ and essential conditions” Of what? “ of
 “ the union betwixt England and Scotland,
 “ and would greatly endanger that union.”

I really have not read the *Free and candid disquisitions*, but I am pretty confident, that this of Dr. Blackstone's, is an objection to their proposed emendations of the liturgy,
 that

that never once occurred to any of them. But they ought to have had a *lawyer* among them. There is nothing like uniting the two professions of Law and Divinity; and the one is very defective without the other.

I think, indeed, the reasoning of this author himself, and of the Bishop of Gloucester, whom he quotes in a note upon this curious passage (added in the second edition of this work) might have allayed his fears from such an infringement of the union as this. “For,” he says, “it may
“justly be doubted, whether an infringe-
“ment of the fundamental and necessary
“conditions of the union (though a mani-
“fest breach of good faith, unless done
“upon the most pressing necessity) would
“consequentially dissolve it. For the bare
“idea of a state, without a power, some-
“where vested, to alter every part of its
“laws, is the height of political absurdity.
“The truth seems to be, that as such an
“*incorporate union* (which is well distin-
“guished

“ guished by a very learned prelate from
 “ a *fæderate alliance*, where such an in-
 “ fringement would certainly rescind the
 “ compact) the two contracting states are
 “ totally annihilated, without any power
 “ of revival; and a third arises from their
 “ conjunction, in which all the rights of
 “ sovereignty, and particularly that of le-
 “ gislation, must of necessity reside. (See
 “ Dr. Warburton’s *Alliance*, p. 195.) But
 “ the imprudent exertion of this right
 “ would probably raise a very alarming
 “ ferment in the minds of individuals; and
 “ therefore, it is hinted above, that such
 “ an attempt might endanger (though not
 “ certainly destroy) the union.”

Though I am of opinion that both these
 learned Doctors argue very weakly, and
 upon principles by which they might quib-
 ble away all the natural rights of man,
 when once he is entered into society;
 it will serve my purpose, as an argument
ad hominem. It seems, then, that the *right*

to

to make alterations in the liturgy is allowed, and all that is necessary to be observed is *prudence* in the use of it; and this, I doubt not, will be applied, whenever the reformation of the church is undertaken.

The articles of the union do seem to confirm the different establishments of England and Scotland, as they then stood; but a man must be strangely wrong-headed, not to perceive, that this was only intended to bar all incroachments of the one upon the other. It could never be understood, that the two nations meant to take that opportunity of binding themselves from making any improvements in their respective religious constitutions, if they themselves, separately taken, should think proper. The supposition is absurd. Should the Scotch nation, in some future time (and who knows, what the revolutions of time, and the operations of political men and measures may bring about) become desirous

firous to adopt the English hierarchy and liturgy, would Dr. Blackstone seriously object, either in parliament, or at the bar, this article of the union against so glorious an improvement of the kirk? Or would he really think it an infringement of the union? Suppose the church of England should be reformed by an act of the English parliament, is it likely that such a measure would raise any *alarming ferment* in the minds of the Scots? Would they think themselves injured, and complain of a breach of the articles of the union? If they *should* object, would they not be thought very unreasonable, and to pervert the plain meaning of the articles? Certainly the Scots think themselves at liberty to improve their church discipline, or mode of worship, without consulting us, and therefore could not take umbrage at the English doing the same for themselves.

This is one, among a number of instances, in which a regard to the puncti-

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lio's of law (in minds whose sphere of comprehension has been narrowed by an attention to such minute objects) gets the better of the plainest dictates of common sense. Suppose this happy union had taken place before the reformation, and the Scots had been Mahometans at that time; a person of Dr. Blackstone's principles would certainly have opposed the present establishment of the church of England upon maxims of law; and would have challenged any christian missionaries, who should have thought of going into Scotland, with the articles of the union betwixt the two nations.

But, with such men as Dr. Blackstone and Dr. Warburton, religion must be governed by the maxims of civil policy; and I am sorry to observe, even for the honour of the church of England, that, according to their new principles of church-authority, which would have been disavowed by the founders of it, the mode of vindication, which her champions have lately chosen, seems to arise, not out of her proper foundation,

dation, *christianity*, but out of those abutments which the policy of men have erected for her support; by means whereof she hath contracted not only an *alliance* with, but a striking *resemblance* of the kingdoms of this world. What effects this new measure may produce on the minds of unbelievers, or of her own serious and considerate sons, I pretend not to pronounce: only this I know, that it by no means serves to promote a veneration for her in the minds of thoughtful Dissenters; who, whatever others may do, consider themselves as subjected, in all matters of religion, to an authority much superior to human; obliged by laws which will support themselves without human aid or alliance, and remain in force when the laws of England, and all the commentaries on them, will have no more than an historical existence; and therefore think themselves bound by the duty they owe to their master and lord, Christ Jesus, to observe carefully both parts of that injunction he delivered to

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them,

them, and to protest earnestly against the attempts of political men to confound and thereby subvert it: *Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's.*

This writer speaks in a very contemptuous manner of the *virulent declamations of peevish and opinionated men, on topicks that have been often refuted*; and, as he may not be a logician, we must give him a little indulgence with respect to the strict meaning of his terms, and suppose that by the refutation of *topicks*, he means, by a metonymy, the refutation of *arguments* on those topicks; also, as he does not professedly enter into these topicks, he is at liberty to say any thing he pleases about them, and in as dogmatical a manner as he thinks proper; but as he mentions *the preface to the liturgy*, as being, itself, a perpetual refutation of our topicks (that is, of our arguments) I was induced to make some inquiry about that preface (for, my own copy of the common-prayer

prayer book wanting it, I really did not know before, that there was any such thing in being) but I own that, after repeated perusals of it, I cannot fix upon any one paragraph, or sentence, in that preface, that I can imagine to have been intended to be a refutation of any thing; nor can I conjecture what it is this author meant by mentioning it in this light. If this preface was *originally* intended to be a standing refutation of the reasonings of Dissenters; it is pity that the authors were not a little more explicit, and that care should not have been taken to have it prefixed to every copy; for it is impossible to say what this book may have suffered by going so frequently, and so presumptuously, without its intended guard. This preface appears to me to be, upon the whole, a decent and modest composition, recommending improvements rather than discouraging them; and, together with a deal of good sense, contains a little of the asperity and peevishness that favour of the

times in which it was written ; without which, indeed, it is even yet impossible for high churchmen to speak of, or even allude to Dissenters ; and which (that they may seem not to be the aggressors) they are generally very ready to ascribe to the Dissenters.



SECTION

SECTION II.

THE comparison which this author draws between the principles and practices of the Papists and Dissenters, and his observations on the laws of England concerning them, are not a little remarkable. “Both Papists and Protestant Dissenters,” he says, p. 52. “were supposed to be
“equally schismaticks in departing from
“the national church; with this difference,
“that the Papists divide from us upon
“material, though erroneous reasons, but
“many of the Dissenters upon matters of in-
“difference, or, in other words, upon no
“reason at all. The tenets of the Papists
“are, undoubtedly, calculated for the in-
“troduction of all slavery, both civil and
“religious, but it may with justice be
“questioned, whether the spirit, the doc-
“trine, and the practices of the sectaries,
“are

“ are better calculated to make men good
 “ subjects. One thing is obvious to ob-
 “ serve, that these have once, within the
 “ compass of the last century, effected the
 “ ruin of our church and monarchy ;*
 “ which the Papists have attempted in-
 “ deed, but have never yet been able to
 “ execute.”

Would not any person, unacquainted with the history of christianity, imagine, from reading this paragraph, that the church of England was the oldest christian church in the world ; and that, in some remote period of time, both the Papists and Dissenters broke off from it ? Would he not also imagine, from what this author says of *the disciples of Rome and Geneva having united, with the utmost bitterness, in inveighing against the English liturgy,*

* It is observable, that the writer is careful to mention the *church* before the *king*, a circumstance which strengthens my suspicion of these paragraphs of his work being extracts from some Thirtieth of January sermon.

that

that the Papists and Dissenters were very good friends, and had entered into a brotherly league to distress their common enemy? What misrepresentations will bigotry stick at, in order to favour her malignant purposes, purposes to which historical truth will not be subservient. Calumnies and insinuations, so palpably false and malicious as these, need no refutation. I think, however, the Papists ought to wait upon Dr. Blackstone, with their most respectful compliments, for the tenderness with which he has treated them; but he has not used the Dissenters as *so much their brethren*, that they can join with the Papists upon this occasion.

The Papists, he says, divide from us upon material, though erroneous reasons, but many of the Dissenters upon matters of indifference, or, in other words, upon no reason at all. Very cavalierly, and very wittily spoken, for a man of your gravity, Dr. Blackstone, but *gratis dictum* all. Who those Dissenters that you refer

refer to are, you have not been pleased to distinguish; but as you do not say that they have *all* been so absurd and unreasonable, as to divide from the church of England *upon no reason at all*, you leave room to suppose, that there are *some* Dissenters who differ from the church of England upon material, though erroneous reasons, as well as the Papists; and therefore that their separation is equally justifiable. For my own part, I think that *one* of my reasons against the church of England, is as strong as any that the English reformers ever had, or pretended to have, against the church of Rome.* And there are no Dissenters

* I do not recollect what the first reformers could object against the system of popery, as more contrary to true religion and common sense, than the *idolatrous service of the Mass*. And I cannot help considering the established church of England, the established church of Scotland, and every other established church in the world to be *idolatrous also*, in which supreme worship is paid to any other than *the one God and father of all*, even *the God and father of our Lord Jesus Christ*. Let it be observed, however, that I am far from considering those persons as guilty of the *sin* of idolatry, who really think that the Athanasian doctrine of the trinity

senters that I have ever heard or read of, but alledge this objection to the church of England, that she usurps a power in the church of Christ, which its only master has not invested in any man, or body of men upon earth, viz. a power of making that necessary to christian communion which he has left indifferent; and also of deciding concerning articles of faith; for, in the twentieth of the thirty-nine articles, she not only claims a *power to decree rites and ceremonies*, but also *authority in matters of faith*. But this Dr. Blackstone thinks to be *no reason at all*. For the future, I would advise him to leave this business of religious controversy to his friend Dr. Warburton, whose *Alliance* he quotes with so much re-

is consistent with the belief of the divine unity; that I am still farther from thinking, that because all christian establishments agree in this great error, that they are therefore equal in all other respects; and farthest of all am I from thinking, that *involuntary errors*, of any kind, will be imputed to any set of men whatever, and that the favour of Almighty God will be denied even to Papists, Mahometans, or Heathens, as such. May I relinquish every thing most dear to me, rather than give up this great foundation of *universal charity*.

spect,

spect, and who is much more dexterous in the management of these things than himself.

From the latter part of the paragraph I last quoted, one would think that Dr. Blackstone had been so intent upon the study of the *laws*, that he had given but little attention to the *history* of England; for every article of this account is notoriously false from beginning to end. This writer has, indeed, given proofs of a minute acquaintance with *some parts* of the history of England, particularly in his excellent *Law-Tracts*. It is, therefore, possible, that he may have just ideas of this part of the history; but I chuse to ascribe his mistakes to want of knowledge, because it is the most favourable construction I can put upon them. The naked facts are these.

The family of the Stuarts, worthy members of the church of England, but having
an

an unfortunate bias on the side of popery,* uniformly asserted an absolute power, and made repeated attempts to enslave this nation. The essays of James I. in this favourite road, were undisguised, but foolish and impotent. Those of his son Charles I. aided by the deepest hypocrisy, were bold, but rash and unsuccessful. The *nation*, not the Dissenters only, asserted their natural and civil rights. They bravely op-

* James I. however, was so zealous a presbyterian, originally, that he used to call the English liturgy *an ill said mass*; and had no opinion of bishops till he found how convenient they were to his system of arbitrary power.

I am at a loss to know what this writer means by saying, p. 429. "On the accession of King James I. no new degree of royal power was added to, or exercised by him." Rapin says, "It is certain that James's chief care after his accession, was to maintain the prerogative royal in its utmost extent, nay to carry it higher than any of his predecessors. He must, at the time I am now speaking of, have conceived a larger notion, than had been hitherto formed, of the power of an English king; since when he came to Newark, he ordered a cut-purse to be hanged, by his sole warrant, and without trial. It cannot be denied, that this was beyond the lawful power of a king of England, and contrary to the privileges of the English nation." Perhaps Dr. Blackstone may not have read Rapin, or may think him an historian of no credit.

posed

posed force to force, justice to injustice, and at length prevailed.

Had the king, supported by all the high-churchmen and Papists, prevailed, no man can say that the civil constitution of this kingdom would not have been intirely overturned, and an absolute despotism have taken place, at least as much of it as has taken place in France or Spain; that is, as much as the spirit of the people of Europe can possibly bear. I also appeal to any intelligent and moderate churchmen, whether, if the schemes of Laud had been put in execution (and he had, in every thing, the concurrence of the court) the ecclesiastical constitution of this country would not have been changed too, in favour of something much nearer the gross, abject, and impious superstition of the church of Rome.

After the termination of the war, the greatest part of those who before had been Dissenters were still friends to
mo-

monarchy ; and, together with them who began the opposition, would have spared their sovereign (who, if he had had a thousand lives had forfeited them all to the justice of his injured country, and whose memory nothing but a violent death could have saved from general execration) but the leaders of the *army*, which will necessarily give law to the state in all convulsions of this nature, happened to be independents and republicans ; and though they had but few adherents out of the army, they could not be prevented from cutting off the king.

The death of the king, and the subversion of the monarchy, were not the effect of any *religious* principles of the Dissenters, as such. Had the army consisted of Mahometans, the event would have been the same ; and if none of their commanders had had power enough to usurp the empire immediately, something like a republic would have been formed by them.

After

After this event, the independents made no proper establishment in religion. The Presbyterians, indeed, would have made a most intolerant one, similar to that of the church of England in those days, but they were happily over-ruled; and, the friends of the lately established church would have dwindled into one of the most inconsiderable sects, had not the hierarchy been restored with Charles II.

This prince was first a concealed, and then an avowed Papist; always an admirer, and generally, a pensioner of France. His uniform aim was to establish Popery and arbitrary power in this kingdom; and his brother and successor James II. (always an avowed Papist, and a Jesuit too) had very nearly succeeded in both these detestable schemes; when divine providence raised up, for our deliverance, King William III. of glorious and immortal memory.

This

This excellent prince, to whom, under God, we owe all our liberties, was a Presbyterian, and he found all of that name, and the Dissenters in general, his best friends in this island. The same have the princes of the house of Hanover* always found them. Very few Scotch Presbyterians, who were not subject to the slavery of the late hereditary jurisdictions, and not one English Dissenter of any denomination, that I ever heard of, were in either of the two rebellions; † but numbers of Papists and

* The princes of this family were *Lutherans*, as is the family of our present Queen (to whom Dr. Blackstone is Solicitor) and it is well known, that this mode of the Protestant religion is so unlike that of the church of England, and so like that of the Presbyterians; that the members of our established church will not admit the validity of ordination in either of them; whereas they admit, without scruple, those who are ordained in the church of Rome. As to the members of the *reformed* church in Holland, they are as much the disciples of Geneva as any Dissenters in England.

† In the rebellion of 1715, Mr. Wood, the dissenting minister at Chowbent in Lancashire, at the head of his congregation, joined the king's forces, and, under the commander in chief, defended the bridge at the battle of Preston. In consequence of which he was, as long as he lived, and is to this day, always mentioned by the name of *General Wood*.

high-churchmen (who, at that time, were generally Tories and Jacobites) were engaged in both. And I appeal to all persons who know the Dissenters (for, as to Dr. Blackstone, it is plain he knows no more about them, than he does about the Patagonians, or the inhabitants of the Solomon isles) whether they be not, almost *to a man* (I may add, *woman* and *child* too) the firm and intrepid friends of the liberties of this country, and of its constitution, as a *monarchy*; notwithstanding the *republican principles*, with which we are generally, and ignorantly charged.

This writer has also given a very false account of what he is pleased to call *the rebellion*, and of the consequences of it in the reign of Charles I. in the last chapter of this work; which I shall, therefore, briefly animadvert, or *comment* upon in this place. After enumerating the grievances of those times, he owns that the king had behaved in such a manner, that “there were grounds most
“ amply

“ amply sufficient for seeking redress in a
 “ legal constitutional way ;” and, consequently, as I should think, in any *other*
 way, if it could not be obtained in what is
 here called a *legal* one ; as was presently
 found to be the case. “ This redress,
 “ when sought, was also constitutionally giv-
 “ en.” I should rather say it was extorted,
 and never intended to be acquiesced in.
 Dr. Blackstone owns that it was not done
 “ with so good a grace, as to conciliate
 “ the confidence of the people.” Indeed,
 upon this, and several other occasions, we
 seem to have *the same ideas*, though we
 chuse to express them in a different man-
 ner. So two painters might chuse to lay
 different colours on the same drawing.

“ Unfortunately, either by his own
 “ mismanagement, or by the arts of his
 “ enemies, the king had lost the reputa-
 “ tion of sincerity, which is the greatest un-
 “ happiness that can befall a prince.” A
 great misfortune and unhappiness truly !

But I hope the *piety* of this prince was equal to his trials, and I doubt not he bore the *affliction* with proper resignation, as the *act of God*.

“ Though he had formerly strained his
“ prerogative, not only beyond what the
“ genius of the present times would bear,
“ but also, beyond the example of former
“ ages; he had now consented to reduce
“ it to a lower ebb than was consistent
“ with monarchical government.. A con-
“ duct so opposite to his temper and prin-
“ ciples, joined with some rash actions,
“ and unguarded expressions, made the
“ people suspect that this condescension was
“ merely temporary.” If the case was as Dr.
Blackstone here represents it, who can wonder that they entertained those suspicions; unless it be asserted that the word of a king, though it have been prostituted in the most shameless manner, ought to be received without the least mistrust by any subject if it be *publickly* given; notwithstanding

standing it be contradicted, not only by other *expressions*, spoken to his friends, when he was off his guard (such as are generally allowed to be most to be depended upon in determining a man's real intentions) but also by *actions*. Dr. Blackstone, I suppose, would have been that *good subject*. I should not have had so much faith, or loyalty.

“ Flushed, therefore, with the success
 “ they had gained, fired with resentment
 “ for past oppressions, and dreading the
 “ consequences if the king should regain
 “ his power, the popular leaders (who in
 “ all ages have called themselves the
 “ people) began to grow insolent and un-
 “ governable.” At this time the popular
 leaders, most certainly, spake the senti-
 ments, and were actuated by the spirit of
 the people in general (or else, according to
 this writer's own representation of their
 grievances, they must have had no spirit at
 all) and if they did *begin to grow insolent*
and ungovernable, it was because they per-
 ceived

ceived that the king, notwithstanding all his pretended concessions, was actually preparing to levy war against his people, and therefore they were obliged to stand upon their defence. " Their insolence rendered " them desperate," and the king, finding that the people would be cajoled no longer, grew desperate too. Speaking of the same popular leaders, he goes on, " and joining " with a set of military hypocrites, and " enthusiasts" (though but children in hypocrisy compared with the king and his ministers) " they overturned the church " and monarchy; and proceeded, with de- " liberate solemnity, to the trial and mur- " der of their sovereign."

According to this writer, then, all these horrid acts were committed by the *same popular leaders* who first opposed the king. It is also naturally inferred, from the turn of his sentence, that these popular leaders joined the military hypocrites and enthusiasts, *with a view* to the perpetration of this

this murder. That there is not the least colour of truth in the assertion, or the insinuation, I appeal to any thing that was ever called *a history of England*. I will even rest it upon the evidence of Carte, Guthrie, Hume, or any other Jacobite historian this writer shall name.

What would the glorious Hampden, Pym, and many others, who figured at the opening of the Long Parliament (men whose names will be immortal, so long as the principles of integrity, a love of liberty, or even loyalty, shall be held in esteem) were they to hear such a relation as Dr. Blackstone hath given of their views and conduct. They would certainly conclude, that all the authentic memorials of their times were perished; and could have no idea of any man's having the assurance to give so palpably false and injurious an account of those transactions, within little more than a century after they happened; when there was such a redundance of evidence, that

that it was easy for any man, of common sense and honesty, to come at the truth of the facts.

Mr. Hume, whose evidence may well be allowed in this case, has given a very different account of those heroes. He also acknowledges, that whatever civil liberty we now enjoy in Great-Britain, is owing to our ancestors, the Puritans; and I trust that every wise and virtuous ministry, who have the liberties and natural rights of their fellow citizens at heart, will always have reason to depend upon the Dissenters; and that only a wicked, tyrannical, and profligate administration, who are intent upon making a tool of the king, and thereby grasping all the power of the state to themselves, will ever entertain any jealousy of them. A wise, just, and moderate prince will value such subjects; though a prince of a different character may rather chuse to be without them.

If the spirit and the doctrines of the sectaries in England are not calculated to make

make men good subjects, I think it is incumbent upon this writer to prove his assertion by the history of *other disciples of Geneva*. Since the principle is the same, its influence may be expected to be uniform. Do the Protestant cantons of Switzerland, in the neighbourhood of this Geneva, contain no good subjects? As to Geneva itself, the source of all this mischief, it can be nothing else than a den of lawless banditti. Are the French protestants universally bad subjects? Are the protestants in Holland bad subjects? Or, to come nearer home, will this gentleman say that the Presbyterians in Scotland are bad subjects? If *these disciples of Geneva* have not given recent, and ample proofs of their loyalty, to the entire satisfaction of the most obsequious courtier, they have taken a great deal of pains to very little purpose, and I shall be at a loss to know what test of loyalty will be deemed sufficient. However, let any other be proposed. Every fair test should be required, and refused, before this

this universal charge against the disciples of Geneva can be fully admitted.

I cannot say that I have ever heard of any material difference between the principles of the Lutherans, and those of the disciples of Geneva (or, as they are called abroad, *the reformed churches*) with respect to their political influence. If, therefore, Dr. Blackstone's charge against the disciples of Geneva be just, I should not expect that the disciples of Luther were intirely innocent; but I do not recollect any thing in the history of Germany, Prussia, Sweden, Denmark, or Norway, that is favourable to this hypothesis. The truth is, that Protestants, of every denomination, have proved disaffected, and sometimes rebellious, when they have been oppressed; but this resistance to government is not to be ascribed to the spirit of their *religion*, but to their spirit as *men*. So great is this writer's antipathy to us, deluded and desperate sectaries, and so much doth the
horror

horror he conceives for our opinions engross his thoughts, that the most natural and common actions of our lives will, I suppose, be ascribed by him to our peculiar principles. I shall hardly be able to eat to satisfy my hunger, even though it be not in Lent, but he will fancy it to be a gratification of a schismatical appetite.

However, I am far from denying that religious principles have influence upon mankind as members of civil society, though I should not ascribe so much to them as Dr. Blackstone, in the violence of party rage, is disposed to do; but, according to my idea of *good subjects*, the tendency of the religious principles of the Dissenters in England is to make men truly such. If, indeed, by *good subjects* this author means *subjects of despotism*, I agree with him, that the spirit, the doctrines, and the practice of these sectaries are not extremely well calculated to make men good subjects. I am apprehensive that these sectaries would
 prove

prove a little untractable in such a situation. But, for that very reason, in a *free*, and *equal government*, a government which leaves men a reasonable share of their natural rights, such men are, of all others, the best subjects. They find themselves at ease in such a state, and will, therefore, endeavour to make others easy in it. In this light, the Dissenters regard the constitution of Great Britain. There are no subjects of the realm who are, from principle and interest, more attached to their king and country than they are; and every insinuation to the contrary is malicious and absurd.

If Dr. Blackstone wants a doctrine calculated to make men good subjects *on any terms*, I would refer him to the *universal maxim* I have animadverted on in Dr. Balguy (in which he says, the scriptures are clear and explicit) viz. that *authority, once established, must be obeyed*. I preach no such doctrine.

As

As to the *church*, that is, the established church of England, God knows we cannot, without hypocrisy, pretend to be very *cordial friends* to her, because it is well known, she has not been the best, or tenderest of mothers to us. But, notwithstanding this, we are far from being such *deadly enemies* to her, as Dr. Blackstone seems to imagine. We can *smile* among ourselves at some things that appear rather strange and whimsical in her; but, truly, we are very little disposed to molest her; and upon the whole, we think, that we bear with her *infirmities* full as well as could be expected, all things considered.

I cannot help thinking, that the regret which this author feels for the subversion of *such a church*, and *such a monarchy* as were subverted within the compass of the last century, is so extreme, that he charges it, indiscriminately; upon all who were present at the transaction; though many of them were so far from being aiders and abettors in it, that they did all they could
to

to prevent it. Thus a tender mother, seeing her beloved child get a dangerous fall, beats even the ground it fell upon.

Dr. Blackstone seems to think the present laws of England bear too hard upon the Papists, and I agree with him in it. I think that that antichristian power seems to be in its old age; that her malice is now impotent; and, since nothing but self-defence will justify hostilities, that, in this case, persecution would be an *unnecessary evil*. Besides, it is cowardly to kick an old and dying lion. But why should not this good Doctor think the Dissenters entitled to as much indulgence, and that some of our laws, not yet formally repealed, bear rather too hard upon us? We think we are, at least, as gentle, as inoffensive, and as well disposed as the Papists; and we doubt not that all who are reasonable, generous, and liberal minded, and all who are acquainted with us, will think so too.

It

It is evident that we have no *foreign head*, to whom we swear allegiance, as the Papists have. Though it is not impossible but that Dr. Blackstone (knowing very little about the Dissenters) may be ignorant of this circumstance; and indeed, as he mentions *the disciples of Rome and Geneva* in the same connection, and in the same turn of phrase, he may imagine that the supreme head of *our* religion resides at Geneva, just as the supreme head of the Papists lives at Rome. And since he talks of *an union between the disciples of Rome and Geneva*, he may suppose, that these two heads of the different sects, which *divided from* the church of England, when they left this country, being upon very good terms, chose to take up their residence in the same neighbourhood; where they live together, in as friendly a manner as the two kings of Brentford.

Thanks

Thanks to God, and a sensible administration (not to Dr. Blackstone) that the penal laws against the Dissenters are as obsolete as those against the Papists, nor will any friend of religion, or of his country, attempt to revive them. Indeed, I cannot help thinking, there would be some difficulty in enforcing one of our admirable statutes to prevent heretical opinions, quoted with approbation by this author, p. 50. It is that of William III. against those “ who either deny any one of the persons of the Holy Trinity to be God, or maintain that there are more gods than one.” If I have any ideas to these words, this statute condemns all mankind; for every man must hold one opinion or the other, since the one affirms, and the other denies the very same thing.

SECTION

SECTION III.

DR. BLACKSTONE, I doubt not, will deem some parts of my answer to his invective to be *a reviling of the ordinances of the church*, which, he says, p. 50. *is a crime of a much grosser nature than mere non-conformity*. By the way, I did not know that mere *non-conformity* was any *crime* at all in the laws of England (whatever it may be in his Commentaries on them) since the act of Toleration. It is certain there is no *penalty* annexed to it; but with Dr. Blackstone, who can both make and aggravate crimes, according to his own convenience, mere non-conformity, it seems, is not only a crime, but a crime of a *gross nature*, though reviling the ordinances of the church be a crime of a *grosser nature*.

D

The

The reasons this author gives for considering this latter offence as more aggravated than the former, are worth our notice. “Re-
 “ viling the ordinances of the church,” p. 50.
 “ is a crime of a much grosser nature than
 “ mere non-conformity, since it carries
 “ with it the utmost indecency, arrogance,
 “ and ingratitude; indecency, by setting
 “ up private judgement in opposition to
 “ the public; arrogance, by treating with
 “ contempt and rudeness that which has,
 “ at least, a better chance to be right than
 “ the singular notions of any particular
 “ man; and ingratitude, by denying that
 “ indulgence and liberty of conscience to
 “ the members of the national church,
 “ which the retainers to every petty con-
 “ venticle enjoy.”

I am so unhappy as not to be able to see the least connection between any of the two ideas which Dr. Blackstone here links together. If setting up private judgment in opposition to that of the public be

an indecency, then, certainly, Wickliffe, Luther, Mr. Locke, and Sir Isaac Newton, were very indecent men; and yet, if history says true, the last of them, at least, was remarkably *modest*. They were, likewise, guilty of great *arrogance*, because they ought to have considered, that the prevailing opinions, which they called in question, had at least a greater chance to be right than their *singular* notions. But, well versed as Newton was in *the doctrine of chances*, he had not, it seems, attended to its use in ascertaining the truth of theological opinions. He might possibly think, with me, that, if this new standard of truth were admitted, no new opinion must ever be indulged, unless it should happen, by an extraordinary concurrence of circumstances, to jump into the heads of the greatest part of the world at the same instant of time. Nay, if this should happen, none of them must venture to publish his opinion, because he could not know but it might be a singular

one. This new use of the doctrine of chances, brings to my mind a story I have heard of two school-boys, who were disputing which of them was the better scholar; when one of them proposed to determine it by the tossing up of a halfpenny.

But to go on with this author to his last mentioned consequence of reviling public opinions, viz. the *ingratitude* of this conduct. If I had not quoted the whole paragraph relating to this subject, I might have taken another opportunity of putting my reader upon guessing, by what medium of proof this admirable logician could possibly connect his two propositions. For that a man, who reviles the opinions of another, doth thereby deny him liberty of conscience, is to me utterly incomprehensible. If my friend entertain a foolish and absurd opinion, cannot I endeavour to laugh him out of it, without denying him his *right* to hold it. Then every man that laughs is a persecutor. Besides, how do *the retainers to our petty conventicles* (as this excellent writer
very

very elegantly, and respectfully expresses himself) enjoy any liberty of conscience at all, if it be in the power of those who *revile* them to deny it them? If this were the case, this great privilege would be lost every day, especially on a Thirtieth of January, and could never survive the publication of this fourth volume of Dr. Blackstone's Commentaries.

This whole paragraph is, I think, an unparalleled piece of elegance and reasoning. But *retainers to petty conventicles* must be guilty of *indecenty, arrogance, and ingratitude*, and such proofs of the charge as these of Dr. Blackstone's are easily found. Whether the water run from the lamb to the wolf, or from the wolf to the lamb, the weaker must be guilty. I wonder, indeed, that this author, whose invention is so fertile, should not have added a few more articles to this black list; since he could have found no peculiar difficulty in increasing it to an hundred, unless terms
of

of reproach in the English language should have failed him.

I also cannot help wondering, that it should never seem to have occurred to Dr. Blackstone, that every thing he has advanced about Dissenters would have come with much more propriety from the mouth of a Papist, in a remonstrance against the conduct of the first reformers. Every argument he has urged would then have had double force. If, for example, it be *indecent, arrogant, and ungrateful* in us to think differently from the church of England, which is, as it were, but a thing of yesterday; much more indecent, arrogant, and ungrateful must it have been for Wickliffe, Luther, Calvin, Cranmer, &c. to have presumed to think differently from a church so antient and venerable as that of Rome. The Papists, with far more plausibility, alledge, that the first reformers could be actuated by no *laudable motive*, and that their labours were *calculated for no other*

other purpose, than merely to disturb the consciences and poison the minds of men. And as to political reasons, for one that Dr. Blackstone can alledge in his cause, the Papiſts might have alledged twenty.

If the revilers of the Dissenters find themselves incommoded by their own arguments being thus retorted upon them, let them learn, for the future, to profit by the advice of our Lord, Matt. vii. 1. *Judge not, that ye be not judged; for with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.*

With perfect coolness I now close my remarks on the offensive paragraphs I have quoted in Dr. Blackstone's Commentaries, from the value of which I am by no means disposed to detract. Every *Englishman* is under obligation to this writer, for the pains he has taken to render the laws of his country intelligible, and the *philosopher* will
thank

thank him for rendering the study of them easy and engaging; but the *man* cannot help regretting that there should be any thing *servile*, or *illiberal* in a work of so much excellence; and the *christian* will weep over every symptom of groundless rancour, and unmerited abuse that occurs in it; and lament, that this teacher of *human laws*, should have imbibed so little of that candid and benevolent spirit which distinguishes *the laws of christianity*, and which should influence every person who acknowledges their obligation, whatever station in life he fills, and in whatever field he chuses to employ himself for the public good.

Insulted as I conceive myself to have been, in the injurious representation this writer has made of the principles and practices of the Dissenters, I may, in return, have expressed my resentment of it with too much acrimony. Seeing, in a strong point of light, the weakness and folly of his censures,

tures, I may have treated them with more contempt and ridicule than a mere bystander will altogether enter into, and consequently approve. But I hope that I have committed no offence, in either of these respects, that a truly impartial bystander, who considers the provocation, will not think venial. There is no man who is not formed sensible both to affronts, and to ridicule; and it is with difficulty that an ingenuous mind, restrains the natural expressions of its real feelings. I also am a man, and claim the privilege of humanity.

In order to make my apology to Dr. Blackstone in particular, let him suppose, if so great a misfortune can be supposed, that himself, and not I, had been the secretary, and myself, not he, the great lawyer and able writer; that his father and grandfather, mother and grandmother, having been Presbyterians, he had no more idea of *the crime of mere non-conformity*, than, I suppose, he now has of *the virtue of flagellation*,

lation, or any other voluntary penance of the church of Rome, notwithstanding the good he might receive from those wholesome severities, and notwithstanding his good inclinations to the poor flagellants :

Let him suppose, that his deluded parents had been so fatally attentive to his education (and that he had, in consequence of it, so deeply imbibed the *principles*, and been so long enured to the *practices of the sectaries*) that all his reading and thinking afterwards did but tend the more to confirm him in them ; that, though he frequently went to the established church, and was much better acquainted with the method in which public worship is conducted there, than he now is with what passes in *petty conventicles* ; he was, nevertheless, so absurd, as really to prefer the extemporaneous effusions of a miserable enthusiast, to the *excellent doctrines*, and *methodical composition* of the English liturgy :

Let

Let him suppose, that though, like me, he had been particularly fond of going, with his neighbours, to the *christian service* of the Thirtieth of January, he was so far from entering into the pious design of that religious institution (the excellence of which has preserved it from corruption or abuse for more than a century) that it was rather to amuse himself upon the occasion, with seeing exemplified the prudent care of the bees, in besliming and encrusting the carcase of a mouse, or other noxious animal, the stench of which was in danger of proving offensive to them; and that though he was far from entertaining any veneration for the *military hypocrites and enthusiasts*, who conferred the honour of martyrdom on the Blessed Charles, yet, rather than pay devotion at his shrine, he would have gloried in being descended from the man, who, on the scaffold, wished to be transmitted to posterity as one *who had a hand and a heart in the death of that tyrant* :

With

With this character, and these sentiments, let him suppose that I, the great lawyer and able writer, Solicitor-general to the Queen, and in connection with the present British ministry (whose administration is likely to make so great a figure in the future annals of this renowned country) had written his excellent *Commentaries on the laws of England*, a work that would necessarily go into the hands of all the youth of the British nation, and could not fail to make them hate and despise the *sect* to which he belonged, and to which (how unreasonably soever) he was so firmly attached: In this case, I cannot help thinking that, if he, like me, had learnt a little English of his mother, as well as a smattering of Latin and Greek at a public grammar school, he would, in order, as far as in him lay, to prevent the impending mischief, or at least to show his own sense of the injury and insult, have written some such a pamphlet as this, which, with all deference and respect, I now present to the public, and to Dr. Blackstone.

[LEEDS, JULY, 1769.]

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